



Entered on Docket
May 27, 2011

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

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Counsel for Timothy L. Blixseth

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

TIMOTHY L. BLIXSETH,

Alleged Debtor.

Case No. BK-S-11-15010-BAM

Chapter 7 (Involuntary)

**SCHEDULING ORDER AND
CONTINUED HEARING DATE**

Hearing Date: September 1, 2011

Hearing Time: 9:30 a.m.

1 A. On May 18, 2011, this Court held its continued hearing regarding its Order to Show
2 Cause Why Venue in This District is Proper and Why Transfer of Case is not Appropriate (the “OSC”)
3 [Docket No. 7], with appearances as noted on the record.

4 B. Pursuant to the Court’s rulings placed upon the record at that hearing, Timothy L.
5 Blixseth, (“Mr. Blixseth”), shall cause a copy of this Scheduling Order to be served within three (3)
6 business days of its entry, by prepaid first class mail, on (a) Counsel for Montana Department of
7 Revenue: Lionel Sawyer & Collins, 300 South Fourth St., #1700, Las Vegas, Nevada 89101, Attn:
8 Rodney Jean, Esq.; (b) Counsel for Marc S. Kirschner, as Trustee of the Yellowstone Club Liquidating
9 Trust: Holland & Hart, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, NV 89169, Attn: Lars
10 Evensen, Esq.; (c) Counsel for Creditors, Yoav Rubenstein, David M. Stanton, Edgar A. Rainin, Robert
11 Ching, James T. Dolan, Thomas W. Hook, Angus A. MacNaughton, and Gary di Silvestri: Shea &
12 Carlyon, Ltd., 701 Bridger Avenue, Suite 850, Las Vegas, NV 89101, Attn: Candace Carlyon, Esq.; and
13 (d) all parties who have filed a notice of appearance or a request for pleadings in above-captioned case,
14 pursuant to Bankruptcy Rule 2002 (collectively, the “Notice Parties”).

15 C. A two-day hearing has been scheduled to begin September 1, 2011, at 9:30 a.m. in
16 Courtroom 3 in the Foley Federal Building, Third Floor, 300 Las Vegas Boulevard South, Las Vegas,
17 Nevada 89101, to consider Mr. Blixseth’s renewed motions for sanctions and for judgment under
18 Bankruptcy Code section 303(i).

19 D. Additionally, (i) the deadline to propound written discovery requests shall be June 1,
20 2011; (ii) any renewed motion for sanctions and for judgment shall be filed by Mr. Blixseth by June 1,
21 2011; (iii) the deadline for responding to discovery requests is June 22, 2011; (iv) depositions are to be
22 taken commencing June 27, 2011, and concluding July 25, 2011; (v) expert disclosure reports shall be
23 due by July 15, 2011; (vi) expert depositions are to be taken commencing July 18, 2011, and concluding
24 July 25, 2011; (vii) July 8, 2011 at 1:30 p.m. has been reserved on the court’s calendar for a status
25 hearing to resolve any potential discovery disputes; (viii) in the event the parties agree that a deposition¹

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27 ¹ The scope of any deposition taken by MDOR of Mr. Blixseth is limited to subject matter
28 pertaining to financial injury and damages he suffered as a result of MDOR’s involuntary petition
filed against him. Mr. Blixseth reserves all rights to object to potential discovery that exceeds the
(footnote continued)

of Mr. Blixseth is necessary and appropriate as to certain subjects; or in the event the court orders such a deposition, Mr. Blixseth agrees to make himself available in Seattle, Washington on July 25, 2011; (ix) Mr. Blixseth's brief in support of his renewed motion for sanctions and for judgment pursuant to Bankruptcy Code section 303(i) shall be filed by August 2, 2011; (x) MDOR's opposition to Mr. Blixseth's renewed motion for sanctions shall be due by August 16, 2011; (xi) Mr. Blixseth's reply to MDOR's opposition is due August 23, 2011; and (xii) the date agreed upon for the exchange of exhibits shall be due by August 29, 2011.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The deadline to propound written discovery requests shall be June 1, 2011.
2. Any renewed motion for sanctions and judgment pursuant to Bankruptcy Code section 303(i) shall be filed electronically with the Bankruptcy Court and served on the Notice Parties (with a courtesy copy delivered directly to the Chambers of the Honorable Bruce A. Markell) so as to be received no later than June 1, 2011.
3. The deadline for responding to discovery requests is June 22, 2011.
4. Depositions are to be taken commencing June 27, 2011, and concluding July 25, 2011.
5. Expert disclosure reports shall be due by July 15, 2011.
6. Expert depositions are to be taken commencing July 18, 2011, and concluding July 25, 2011.
7. July 8, 2011 at 1:30 p.m. has been reserved on the court's calendar for a status hearing to resolve any potential discovery disputes.
8. In the event the parties agree that a deposition² of Mr. Blixseth is necessary and appropriate as to certain subjects; or in the event the court orders such a deposition, Mr. Blixseth agrees to make himself available in Seattle, Washington on July 25, 2011.

scope of the renewed motion for sanctions and for judgment pursuant to Bankruptcy Code section 303(i).

² Pursuant to footnote (1) above.

9. Mr. Blixseth's brief in support of his renewed motion for sanctions and for judgment pursuant to Bankruptcy Code section 303(i) and shall be filed electronically with the Bankruptcy Court and served on the Notice Parties (with a courtesy copy delivered directly to the Chambers of the Honorable Bruce A. Markell) so as to be received no later than August 2, 2011.

10. MDOR's opposition to Mr. Blixseth's renewed motion for sanctions shall be filed electronically with the Bankruptcy Court and served on the Notice Parties and Mr. Blixseth's counsel: Fox Rothschild, LLP, 3800 Howard Hughes Parkway, Suite 500, Las Vegas, Nevada 89169, Attn: Brett A. Axelrod, Esq. (with a courtesy copy delivered directly to the Chambers of the Honorable Bruce A. Markell) so as to be received no later than August 16, 2011.

11. Mr. Blixseth's reply to MDOR's opposition shall be filed electronically with the Bankruptcy Court and served on the Notice Parties (with a courtesy copy delivered directly to the Chambers of the Honorable Bruce A. Markell) so as to be received no later than August 23, 2011.

12. The date agreed upon for the exchange of exhibits shall by August 29, 2011.

Prepared and respectfully submitted by:

FOX ROTHSCHILD LLP

By s/ Brett A. Axelrod

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1 APPROVED/DISAPPROVED:

2 **LIONEL SAWYER & COLLINS**

3 By _____

4 RODNEY JEAN, ESQ.
300 South 4th Street
5 Suite 1700
Las Vegas, Nevada 89102

6
7 *Counsel for Montana Department of Revenue*

8 **APPROVED/DISAPPROVED:**

9 **SHEA & CARLYON**

10 By /s/ Candace Carlyon

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14 *Counsel for Creditors, Yoav Rubenstein, David M.*
15 *Stanton, Edgar A. Rainin, Robert Ching, James T.*
16 *Dolan, Thomas W. Hook, Angus A. MacNaughton,*
17 *and Gary di Silvestri*

APPROVED/DISAPPROVED:

HOLLAND & HART

By /s/ Lars Evensen

LARS EVENSEN, ESQ.
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Counsel for Marc S. Kirschner, as Trustee of the
Yellowstone Club Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

- ☐ The Court has waived the requirement set forth in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

RODNEY JEAN, ESQ. Failed to Respond
COUNSEL FOR MONTANA
DEPARTMENT OF REVENUE

LARS EVENSEN, ESQ. Approved
COUNSEL FOR MARC S. KIRSCHNER,
AS TRUSTEE OF THE YELLOWSTONE
CLUB LIQUIDATING TRUST

CANDACE CARLYON, ESQ. Approved
COUNSEL FOR CREDITORS, YOAV
RUBINSTEIN, DAVID M. STANTON,
EDGAR A. RAININ, ROBERT CHING,
JAMES T. DOLAN, THOMAS W.
HOOK, ANGUS A. MACNAUGHTON,
AND GARY DI SILVESTRI

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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